

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

MICROSOFT CORPORATION,

Plaintiff,
v.

DATATERN, INC.,

Defendant.

Civil Action No. 11-cv-2365-KBF
Civil Action No. 11-cv-2648-KBF

SAP AG AND SAP AMERICA, INC.,

Plaintiffs,
v.

DATATERN, INC.,

Defendant.

**PLAINTIFF'S NOTICE OF MOTION
FOR AN ORDER REGARDING THE
NON-ASSERTION OF CLAIMS BY
DATATERN INC.**

ECF Case

PLEASE TAKE NOTICE that upon the supporting Memorandum of Law filed herewith, Plaintiffs Microsoft Corporation ("Microsoft") and SAP AG and SAP America, Inc. (together, "SAP" and, with Microsoft, the "Plaintiffs") will move this Court, before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, on a date and at a time to be set by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order enforcing Defendant DataTern's prior agreements not to assert certain patent claims against customers and end-users of Microsoft and SAP software.

Dated: February 14, 2012
New York, New York

Respectfully submitted,

By: /s/ Danielle L. Rose

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